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Attorney for Defendant
ANTHONY NGUYEN

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In Re:)	CASE NO. 17-51644-MEH
)	Chapter 7
ANTHONY NGUYEN,)	Judge: M. Elaine Hammond
)	
Debtor.)	
)	
JASON BARNES,)	Adversary No. 18-05013
)	
Plaintiff)	
)	
Versus)	DEFENDANT ANTHONY NGUYEN'S
)	ANSWER TO COMPLAINT
)	
ANTHONY NGUYEN,)	
)	
Defendant)	
)	

Defendant ANTHONY NGUYEN, hereinafter referred to as "Defendant", through and by his attorney of record Michael Chinh Vu for VU.S.A. LAW OFFICES, APC, hereby answers to the Complaint in Adversary Proceeding ("Complaint") as follows:

1. This Answering Defendant admits the allegations in Paragraphs 1, 2, 3, 4, 6,

1 2. This Answering Defendant lacks sufficient information and belief and therefore
2 denies the allegations contained in Paragraphs 5, 7, 8, 9, 10, 11, 12, 13, 21, 22, 23,
3 of the Complaint.

4 3. This Answering Defendant denies the allegations in Paragraphs 14, 15, 16, 17, 18,
5 19, 20, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44,
6 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66,
7 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88,
8 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107,
9 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123,
10 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139,
11 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155,
12 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171,
13 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187,
14 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203,
15 204 of the Complaint.

16
17 **WHEREFORE**, This Answering Defendant prays that Plaintiff recovers nothing from
18 Defendant, that Plaintiff's claim against this Answering Defendant is deemed dischargeable,
19 and that this complaint be dismissed with prejudice.

20 **AFFIRMATIVE DEFENSES**

- 21 1. As a first affirmative defense, Defendant alleges that the Complaint fails to state facts
22 sufficient to constitute a cause of action against the Answering Defendant.
23 2. As a second affirmative defense, Plaintiff has failed to mitigate its damages, if any,
24 and accordingly, is not entitled to the relief sought in the Complaint.
25

- 1 3. As a third affirmative defense, Defendant alleges that Plaintiffs are not entitled to the
2 relief requested on the grounds that Plaintiff acted and reacted to the matters alleged in
3 their Complaint with unclean hands.
- 4 4. As a fourth affirmative defense, this answering Defendant alleges that any loss alleged
5 by Plaintiff is the result of incompetence and active negligence on its own part, or the
6 part of others, and not on any conduct on the part of this answering Defendant; further,
7 any wrongful or negligent actions on the part of this answering Defendant, if any
8 thereby, was passive and not active.
- 9 5. As a fifth affirmative defense, this answering Defendant alleges that Plaintiff acted
10 with foreknowledge of all facts and circumstances surrounding the events it alleged as
11 to having given rise to the cause of action asserted against this answering Defendant,
12 and thus they assumed any and all risks of damages, if any there were.
- 13 6. As a sixth affirmative defense, this answering Defendant alleges that Plaintiff cannot
14 recover any of the damages alleged against this answering Defendant because such
15 alleged damages are speculative and uncertain in nature.
- 16 7. As a seventh affirmative defense, Defendant is informed and believes, and on that
17 basis alleges, that the Plaintiff has unreasonably delayed in bringing the objection to
18 the discharge of debtor, and that such delays have substantially prejudiced this
19 Defendant, thus barring this action under the doctrine of laches.
- 20 8. As an eighth affirmative defense, this Answering Defendant alleges that Plaintiff's
21 allegations of fraud as to this Answering Defendant were factually and legally
22 baseless, and that Plaintiff has no sufficient evidence to sustain or support such
23 allegations.
- 24 9. As a ninth affirmative defense, this Answering Defendant alleges that Plaintiff's
25 allegations of grounds for non-dischargeability as to this Answering Defendant were

1 factually and legally baseless, and that Plaintiff has no sufficient evidence to sustain or
2 support such allegations.

3 10. As a tenth affirmative defense, this Answering Defendant alleges that Plaintiff's
4 allegations of grounds for preferential or fraudulent transfer as to this Answering
5 Defendant were factually and legally baseless, and that Plaintiff has no sufficient
6 evidence to sustain or support such allegations.

7 11. As an eleventh affirmative defense, this Answering Defendant alleges that Plaintiff's
8 complaint contains causes of action that are unrelated to non-dischargeability or
9 preferential or fraudulent transfer, and these causes of actions should be dismissed.

10 Respectfully submitted,

11 **VU.S.A. LAW OFFICES, APC**

12 DATED: May 02, 2018

13 /s/ Michael Chinh Vu

14 MICHAEL CHINH VU

15 Attorney for Defendant ANTHONY NGUYEN